

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

In re:

JOSE ORLANDO ACHA, SR.,

Debtor.

Case No. 11-13934-RGM
(Chapter 13)

MEMORANDUM OPINION AND ORDER

THIS CASE is before the court on the debtor's request for an extension of time within which the debtor may obtain credit counseling. 11 U.S.C. §109(h)(3)(A). This is the debtor's second case. The first was filed on March 9, 2011. He filed a Certificate of Counseling in that case stating that he had undertaken the required counseling on March 11, 2011, which is within 180 days of the filing of the petition in this case. The March 11, 2011, credit counseling briefing satisfies the requirement of 11 U.S. C. §109(h)(1) in this case and need not be repeated.

The debtor must file a Certificate of Counseling with his petition unless he received the credit counseling briefing and does not have the certificate required by 11 U.S.C. 521(b); Fed.R.Bankr.P. 1007(b)(3) and (c). In this instance, the court will grant the debtor's motion requesting an extension of time within which to file the certificate but not for taking the required briefing.

In consideration thereof, it is

ORDERED:

1. The request for an extension of time within which to obtain credit counseling is denied as moot.
2. The time within which the debtor may file the Certificate of Counseling dated March 11,

2011, previously filed in Case No. 11-11649-RGM, in this case is extended to 14 days after the entry of this order.

DONE at Alexandria, Virginia, this 2nd day of June, 2011.

/s/ Robert G. Mayer
Robert G. Mayer
United States Bankruptcy Judge

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